

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROBERT J. HARRISON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05CV1028
	)	
DR. ELIZABETH CONLEY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the motion of Robert Harrison for Appointment of Counsel. The case was randomly assigned to the undersigned United States Magistrate Judge.

On June 29, 2005, Plaintiff filed a complaint under 42 U.S.C. § 1983 in federal court against the Defendants Dr. Elizabeth Conley, Dr. Benjamin Gaddy, Dr. Christine Jones, Paula Atkins, George Lombardi, Melissa Doe, and Andrea Doe. On that same date, Plaintiff filed a motion for appointment of counsel, stating that due to his poverty, he has been unable to obtain legal counsel. Thus, Plaintiff requests that the court appoint an attorney to represent him.

The factors to consider when entertaining a motion for appointment of counsel for an indigent plaintiff are: (1) whether the plaintiff and the court will substantially benefit from appointment of an attorney in light of the factual and legal complexity of the case; (2) the plaintiff's ability to investigate the facts; (3) the existence of conflicting testimony; and (4) the ability of plaintiff to present his claim. Plummer v. Grimes, 87 F.3d 1032, 1033 (8th Cir. 1996) (citations omitted). Plaintiff's Complaint alleges that the Defendants were deliberately indifferent to Plaintiff's medical needs in that they failed to properly treat his plantar warts. At this point in the litigation, the case does not appear factually or legally complex. Further, careful review of the Complaint reveals that Plaintiff is able to

present his claim in a thorough and articulate manner. Therefore, the undersigned will deny plaintiff's motion at this time. If the Court later determines that counsel is necessary, the appropriate order will be issued.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's Motion for Appointment of Counsel [Doc. #4] is **DENIED**.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of January, 2006.